

### REMARKS

Claims 1-21 are pending in the application. Claims 11-14 are withdrawn. Claims 1-10 and 15-21 stand rejected. Claim 5 has been amended to address objection due to informalities. Claim 18 has been amended to address the rejection under 35 USC § 101. Claims 1, 3, 15, and 17 have been amended to address the rejection under 35 USC § 112, second paragraph. Claim 19 has been amended for clarify.

#### *Election/Restrictions*

A requirement for restriction under 35 USC § 121 was set forth in the Official Action dated March 24, 2005. In the restriction requirement, claims 1-21 were restricted into the following two groups:

- I. Claims 1-10 and 15-21 are drawn to a method and system for categorizing an unmet need relating to medical products from a plurality of users, classified in class 707, subclass 7.
- II. Claims 11-14 are drawn to a method and program for presenting a form for inputting an unmet need by using a plurality of fields, classified in class 715, subclass 507.

Applicants confirm the previous election of Group I, consisting of claims 1-10 and 15-21, for prosecution at this time. This election is made without traverse, and no representations are made by this election concerning the merits of the restriction requirement with respect to the possible existence of multiple distinct inventions among the originally presented claims. Applicants reserve the right to pursue the subject matter of all non-elected claims in one or more related applications.

#### *Claim Objections*

Claim 5 was objected to because of the informalities indicated by the Examiner. Applicants have corrected the claim as suggested. Accordingly, reconsideration and withdrawal of the outstanding objection to claim 5 is respectfully requested.

*Claim Rejections – 35 USC § 101*

Claim 18 was rejected under 35 USC § 101 as being non-statutory subject matter. Applicants have amended the claim. Accordingly, reconsideration and withdrawal of the outstanding rejection to claim 18 based on Section 101 is respectfully requested.

*Claim Rejections – 35 USC § 112*

Claims 1, 3, 15, and 17 were rejected under 35 USC § 112, second paragraph, as being indefinite. Applicants have amended the claims. Accordingly, reconsideration and withdrawal of the outstanding rejection to claims 1, 3, 15, and 17 based on Section 112 is respectfully requested.

*Claim Rejections – 35 USC § 102*

Claims 1, 2, 4, 7-10, 15, 16, 18, and 21 were rejected under 35 USC § 102(a) as being anticipated by “drugstore.com – online pharmacy & drugstore, prescriptions filled” (“drugstore.com”). Without admitting that drugstore.com is prior art, the outstanding rejection to claims 1, 2, 4, 7-10, 15, 16, 18, and 21 based on drugstore.com is respectfully traversed.

Regarding the rejection of independent claims 1 and 15, the Examiner indicated that drugstore.com teaches the claimed “selecting those unmet needs for development where a predetermined number of unmet need submissions have the same primary topics.” In particular, the Examiner has opined that drugstore.com discloses:

only those submitted questions with the same primary topic, e.g.,  
OSTEOARTHRITIS in How can I get relief from my osteoarthritis  
of page 4, which have already been answered at least once by  
pharmacists, will be selected for processing to make available  
answer to the user.

Office Action, p. 7. Applicants respectfully disagree and note that the page of drugstore.com web site relied upon in the Office Action,

<http://web.archive.org/web/20000208084226/www.drugstore.com/pharmacy/ayp/default.asp?trx=2113> (“page 4”), allows a user to see the answer to a question by either: (1) typing a key word

of the question in the "Search Our Q&As" box and reading questions already answered by pharmacists; or (2) clicking on any of the questions listed under the "Common Questions" section. Applicants submit that drugstore.com has no teaching of "selecting an unmet need for development" as claimed by Applicants. Claims 1 and 15 recite the selecting of an unmet need relating to medical products for development. In this way, for example, when the number of submissions for an unmet need, e.g., gynecology, has exceeded a predetermined number, that unmet need may be selected for the development of related medical products. Drugstore.com, however, merely discloses processing submitted questions "to make available answer to the user" (Office Action, p. 7). Applicants submit that, while drugstore.com suggests processing user submitted questions to make available answers to the user, it is not the same as the claimed selecting an unmet need for development of related medical products. Drugstore.com does not teach "selecting an unmet need for development" as claimed by Applicants. In short, there is no teaching or suggestion in page 4 of the drugstore.com web site of "selecting an unmet need for development where a predetermined number of unmet need submissions have the same primary topics" in the manner recited by claims 1 and 15. Therefore, at least for the aforementioned reasons, all of the limitations of claims 1 and 15 are not taught or suggested by drugstore.com.

Claims 2, 4, and 7-8 depend from claim 1, and are believed allowable for at least the same reasons as described above with respect to claim 1. Similarly, claims 16, 18, and 21 depend from claim 15, and are believed allowable for at least the same reasons as described above with respect to claim 15. Accordingly, reconsideration and withdrawal of the rejection of claims 1-2, 4, 7-8, 15-16, 18, and 21 is respectfully requested.

Regarding the rejection of independent claim 9, the Examiner indicated that drugstore.com teaches the claimed "network accepting an electronic submission indicative of an unmet need for the medical products whereby unmet needs related to the medical products may be determined." Office action, pp. 8-9. Applicants respectfully disagree and submit that drugstore.com does not teach the claimed "accepting an electronic submission indicative of an unmet need for the medical products whereby unmet needs related to the medical products may be determined." The pages of drugstore.com web site relied upon in the Official Action are

<http://web.archive.org/web/20000310162140/www.drugstore.com/pharmacy/ayp/ask.asp> (“page 3”) and

<http://web.archive.org/web/20000208084226/www.drugstore.com/pharmacy/ayp/default.asp?trx=2113> (“page 4”). Page 3 of the drugstore.com web site allows a user who needs “quick, private information” about the user’s “health or medications” to ask a question by typing the question in the “Your question:” box, providing requested information, and clicking on the “Submit Question” button. Page 4 of the drugstore.com web site has been described previously.

However, while drugstore.com teaches accepting submissions of a question related to the user’s health or medications, it is not the same as accepting a submission indicative of an unmet need for the medical products, as claimed by Applicants. Furthermore, although the Examiner indicated drugstore.com discloses that submitted questions with the same primary topic “will be selected for processing to make available answer to the user” (Office action, p. 9), it is not the same as determining unmet needs related to the medical products. Drugstore.com does not teach accepting submissions of an unmet need whereby “unmet needs related to the medical products may be determined” as claimed by Applicants. In short, Applicants find no teaching or suggestion in pages 3 and 4 of the drugstore.com web site of “accepting an electronic submission indicative of an unmet need for the medical products whereby unmet needs related to the medical products may be determined” in the manner recited by claim 9. Therefore, at least for the aforementioned reasons, all of the limitations of claim 9 are not taught or suggested by drugstore.com.

Claim 10 depends from claim 9 and is believed allowable for at least the same reasons as described above with respect to claim 9. Accordingly, reconsideration and withdrawal of the rejection to claims 9-10 is respectfully requested.

*Claim Rejections – 35 USC § 103*

Claims 3, 5, 6, 17, 19, and 20 were rejected under 35 USC § 103(a) as being unpatentable over drugstore.com in view of Wang (as cited above).

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**Application No.:** 09/879,382  
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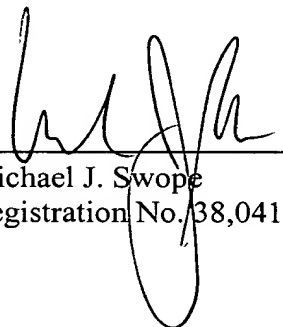
**PATENT**

Inasmuch as claims 3, 5, and 6 depend from independent claim 1, and inasmuch as claims 17, 19, and 20 depend from independent claim 15, Applicants submit that claims 3, 5, 6, 17, 19, and 20 also define over the prior art of record. Accordingly, reconsideration and withdrawal of the rejection to claims 3, 5, 6, 17, 19, and 20 based on Section 103 is respectfully requested.

### **CONCLUSION**

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Office Action, and submit that claims 1-10 and 15-21 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

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